RE VENUE (1948) Department.

No. SERIES.

G.O. No. 1507.

Dated the 24th June 1948.

[Despatch Abstract.]

Estates-Land Act--Lessees admitted into possession under section continuance of rights--provision in the Abolition Bill--Papers recd

To Assistant Secretary.

The notes from page 1 above may be read.

The file relates to the question whether any provision should be made for conferring occupancy right to persons admitted by the landholder to possession of waste lands is estates under section 6(4) of the Estates Land Act. In March 1947, the previous Honourable Minister (Revenue) ordered that the question might be taken up at the stage of the Select Committee on the Madras Estates Land Act Bill. In July 1947, the Government decided to drop that Bill and to proceed straightway with the proposal for the abolition of the zamindari system by acquiring the estates and converting them into ryotwari. The Madras Estates and (Repeal of the Permanent Settlement and conversion into Ryotwari) Bill, 1947, prepared for giving effort to this decision has been published in an extraordinary issue of the Fort St. George Gazette dated/13.9.47. Under this Bill the intention is to take over, other things, the waste lands in estates which have not been sold or assigned by the landholder before the notified date. Such lands will, on conversion to ryotwari, be assigned by the Government presumably in accordance with the rules now governing the assignment of ryotwari lands at present. No further action seems called for in this file. The papers may be ledged after perusal by H.M. (LR).

(Sd.)

Under Section 6(6) of the Estates Land Act, the relations between the landholder of an estate and a person let into possession of waste lands under section 6(4) of that Act are regulated by the contract between them i.e. by the terms of the lease deed etc. executed by them. Under clause 3(c) of the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, all rights which may have accrued in the estate before the notified date to any person not being a ryot or a person holding under a ryot shall stand transferred to and be enforceable by the Crown in accordance with and subject to, the provisions of that Bill. The position will accordingly be that on the notified date a land in an estate now held under section 6(4) of the Estates Land Act will vest in the Government, the person holding it will become a lessee under the Crown and will continue to be as such till the period of his lease expires, and that thereafter, the Government will be at liberty to dispose of the land in accordance with the rules for disposal of land in ryotwari areas. It does not appear that it is necessary to include any provision in the Abolition Bill for conferring occupancy rights on such persons. If this is agreed to no further action is called in this file and the papers may be lodged.

(Sd.)

LEGAL DEPARTMENT.

The note of A.S. Revenue above states correctly the legal position, as it will be, under the Estates Abolition Bill, if it were to be passed in its present form. A lessee of waste land reclaimed by the landholder has no moral right to a ryotwari patta in respect of such land. On the other hand, the claim of the landholder to the ryotwari patta is very much stronger, especially where only a small part of the 30 years for which the absolute right of the landholder is recognized by section 6(4) has elapsed at the time when the Estates Abolition Bill comes into force. The recognition of the landholder's right in such a case will be in accordance with the Board's proposal in another file, viz., to give the landholder a ryotwari patta in cases where he is in lawful possession of ryoti land, subject to certain safeguards.

(Sd.)

Revenue Department.

To As II.

Please see the notes from page 11 above. The proposal referred....

ferred to at K in the Legal Departments note on page 12 above, is that ryot lands, which have come into the possession of Jamindars by purchase. Succession or otherwise and which are in their occupation on the notified date should be treated as their private lands or at least that the Zamindar should be given a ryotwari pathe in respect of those land, This proposal is separately under consideration. No further action is called for in this file. The papers may be lodged after perusal, by H.M. (LR).

A on page 12 above is for approval.

(Sd.)

H.M. (LR). We can decide these points later please note them.

(Sd.)

To Assistant Secretary.

Please see Honourable Ministers orders above. The file may ~~be~~ Perhaps lie over till a select Committee has been appointed to conside the Abolition Bill for orders.

L.O. till 5.2.48.

(Sd.)

To Assistant Secretary~~XXX~~.

The question raised in this file is whether any provision in the Abolition Bill is necessary in regard to leases of waste land granted by the landholder under section 6(4) of the Estates Land Act. Act whole question of making provision for all leases amount on the notified date in an estate is being examined seperately and the points for decision by the Select Committee on the Abolition Bill are being listed. No action is called for in this file. This file may be kept along with the other files intended for discussion at the Select Committee.

(Sd.)

To A.D.S. The notes from page 13 ante may be perused. Provision has been made in the Abolition Bill as amended by the of Sc. for protecting rights of lessees and for the grant of ryotwari pattas to ryots and landholders. No action is called for in this file. The papers may be

G.O.Ms.No.1507 Revenue dated/24.6.48.

Recorded.

Subject Estates Land Act--Lessees admitted into possession under section 6(4)--continuance of rights--Provision in the Abolition Bill--Papers recorded.

(Sd.)

OFFICE ASSISTANT
MADRAS RECORD OFFICE.

C.N.V.
22.12.--